



Crofting Reform (Scotland) Act 2010

2010 asp 14

PART 4

FURTHER AMENDMENTS OF THE 1993 ACT

Enlargement of crofts and common grazings

46 Enlargement of crofts

For section 4 of the 1993 Act (enlargement of crofts) substitute—

“4 Enlargement of crofts

- (1) This section applies where an owner of land—
 - (a) which is not a croft; and
 - (b) which does not form part of a croft,agrees to grant a tenancy of that land to a crofter.
- (2) The owner and the crofter may apply jointly to the Commission for a direction that the land is to form part of a croft of which the crofter is tenant.
- (3) Where a croft such as is mentioned in subsection (2) is an unregistered croft, the Commission—
 - (a) must not make a direction under subsection (4) unless an application for first registration of the croft is submitted before the expiry of the period of 6 months beginning with the date on which the application for the direction is made;
 - (b) need not, during that 6 month period, consider the application for the direction until an application for first registration of the croft is submitted.
- (4) The Commission may make a direction if they are satisfied that the enlargement of the croft—
 - (a) would be of benefit to the croft or to the crofter;
 - (b) would not result in the area of the enlarged croft substantially exceeding 30 hectares.

Changes to legislation: There are currently no known outstanding effects for the Crofting Reform (Scotland) Act 2010, Section 46. (See end of Document for details)

- (5) Where the Commission make a direction in relation to an unregistered croft or a first registered croft, the land forms part of the croft with effect from the later of—
- (a) the date of the direction; or
 - (b) the date of entry under the tenancy.
- (6) Where the Commission make a direction in relation to a registered croft (other than a first registered croft)—
- (a) the direction expires at the end of the period of 3 months beginning with the date on which the direction is made unless an application for registration of the enlargement of the croft is submitted by virtue of section 5 of the 2010 Act before the expiry of that period;
 - (b) the enlargement takes effect on the date of registration.
- (7) For the purposes of section 6 and paragraph 1 of schedule 2, the rent payable for the enlarged croft is the rent agreed by the landlord and the crofter.
- (8) In subsections (5) and (6), “first registered croft” means a croft mentioned in section 5(2) of the 2010 Act.”.

Commencement Information

- I1** S. 46 in force at 1.10.2011 for specified purposes by S.S.I. 2011/334, art. 3(1)(a)(2), **Sch. Pt. 1** (with arts. 4, 5(3))
- I2** S. 46 in force at 30.11.2012 for specified purposes by S.S.I. 2012/288, art. 3(1)(b)(2), **Sch. 1 Pt. 2** (with Sch. 2 para. 1(k)(l))
- I3** S. 46 in force at 30.11.2013 in so far as not already in force by S.S.I. 2012/288, **art. 3(1)(c)** (with Sch. 2 para. 7)

Changes to legislation:

There are currently no known outstanding effects for the Crofting Reform (Scotland) Act 2010, Section 46.